## MINUTES FOR THE COURT OF APPEAL STATE OF CALIFORNIA SECOND APPELLATE DISTRICT

### August 22, 2003

### **DIVISION ONE**

B162404 Borten (Not for Publication)

v. Lard

The judgment is vacated, and the cause is remanded to the trial court with directions to permit Borten to amend her complaint to add the Santa Monica Rent Control Board as a party, and (when the case is at issue and fully briefed) to hear and decide Borten's constitutional claim, after which a new judgment shall be entered. The parties are to pay their own costs of this appeal.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.

Mallano, J.

#### DIVISION TWO

Court reconvened at 9:00 AM

Present: Boren, P.J., Nott, J., Doi Todd, J., Ashmann-Gerst, J. and Jim Guzman, Deputy Clerk.

Each of the following:

B158758 People v. Cervantes

B161873 People v. Solis

B161576 People v. Bridges

B163074 People v. Sockerson

Argument waived, cause submitted.

### DIVISION TWO (Continued)

B163797 Utility Audit Company Inc.

V.

City of Los Angeles

Merits:

Argued by Laurie Rittenberg for appellant and by Elena Reyes for respondent. Cause submitted.

B155006 Henderson

V.

Iesco Inc.

Merits:

Argued by Carolyn Dunnett for appellant and by Patrick Folan for respondent. Cause submitted.

B158110 Caldwell

V.

Caldwell, et al.

Merits:

Argued by James Link for appellant and by Edmond Davis, Alan Yoshitake and Gregory Bordo for respondents. Cause submitted.

B160158 Bierlich

V.

SOCO-Lynch Corp.

Merits:

Argued by Frederick Baker for appellant and by Charlotte Costan for respondent. Cause submitted.

Court adjourned.

#### **DIVISION THREE**

B149939 People (Not for Publication)

v. Hanold

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.

Kitching, J.

### **DIVISION FOUR**

B160054 Renteria (Not for Publication)

v.

Galllo Insurance Agency, et al.

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.

Curry, J.

B157725 Hartley (Not for Publication)

V.

Graham, et al.

The judgment is affirmed. Respondent(s) to recover costs.

Vogel (C.S.), P.J.

We concur: Epstein, J.

# DIVISION FOUR (Continued)

B160785 Scott (Not for Publication)

v.

Mainwal, et al.

The judgment is affirmed. Respondent(s) to recover costs.

Epstein, J.

We concur: Vogel (C.S.), P.J.

Curry, J.

B160055 Godinez (Not for Publication)

V.

Godinez

The orders of the family court are affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.

Epstein, J.

B164267 People (Not for Publication)

v. Bell

The judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.

# DIVISION FOUR (Continued)

B163451 People (Not for Publication)

V.

Hawkins

The judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.

Curry, J.

B161457 People (Not for Publication)

v. Lopez

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.

Curry, J.

B163289 People (Not for Publication)

V.

Salgado

The judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.

Hastings, J.

# DIVISION FOUR (Continued)

B162085 People (Not for Publication)

v. Hurth

The judgment is affirmed.

Curry, J.

We concur: Epstein, Acting P.J.

Hastings, J.

B158660 People (Not for Publication)

V.

Valverde

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.

Curry, J.

B148748 People (Not for Publication)

V.

Anderson

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.

### DIVISION FOUR (Continued)

B159685 People (Not for Publication)

v. Saad

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.

Curry, J.

B158438 People (Not for Publication)

V.

Gamblin

The judgment is affirmed.

Curry, J.

We concur: Epstein, Acting P.J.

Hastings, J.

B158874 People (Not for Publication)

V.

Gamblin

The judgment is modified to provide that on count 4 (receiving stolen property) the defendant is sentenced to a midterm of two years, with execution of sentence stayed pursuant to Penal Code section 654, the stay to become permanent upon service of sentence on count 1 (burglary of a vehicle). As so modified, the judgment is affirmed. The trial court shall send a corrected abstract of judgment to the Department of Corrections.

Vogel (C.S.), P.J.

We concur: Epstein, J.

### DIVISION FOUR (Continued)

B161545 People (Not for Publication)

V.

Jose H.

For the foregoing reasons, the conditions of probation imposed in this matter are modified as follows:

Condition No. 15 is modified to provide: Do not associate with your case companion or anyone known to you to be disapproved of by parent or probation officer.

Condition No. 21 is modified to provide: Do not use or possess narcotics, controlled substances, poisons, or related paraphernalia; stay away from locations known to you to be places where users congregate.

Condition No. 22 is modified to provide: Do not associate with persons known to you to be users or sellers of narcotics/controlled substances except with prior written permission of the probation officer.

As modified, the judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.

Epstein, J.

B159037 People (Not for Publication)

V.

McGee

The enhancement imposed on count one (murder of Vaughn) pursuant to Penal Code section 12022.5, subdivision (a) and the enhancement imposed on count two (attempted murder of Ramsey) pursuant to Penal Code section 12022.7, subdivision (a) are hereby stricken. The trial court is directed to prepare and forward to the Department of Corrections a modified abstract of judgment reflecting these changes. In all other respects, the judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.

### DIVISION FOUR (Continued)

B167606 Kelley B. (Not for Publication)

V.

Superior Court, Los Angeles County

(Los Angeles County Department of Children and Family Services, r.p.i.)

The petition is denied.

Vogel (C.S.), P.J.

We concur: Epstein, J.

Curry, J.

B167965 Cali H. (Not for Publication)

V.

Superior Court, Los Angeles County

(Los Angeles County Department of Children and Family Services, r.p.i.)

The petition is denied.

Epstein, J.

We concur: Vogel (C.S.), P.J.

Curry, J.

B161720 Los Angeles County, D.C.S.

V.

Steve L.

Filed order denying petition for rehearing.

### **DIVISION FIVE**

B155198 People

V.

Eric Falcon

Filed order modifying opinion. (No change in the judgment)

#### **DIVISION SIX**

B158551 Kitty-Anne Music Co., et al.

V.

Swan

Filed order granting petition for rehearing.

#### **DIVISION EIGHT**

B160668 Del, Shaw, Blye & Moonves (Not for Publication)

V.

Wilson

The judgment is reversed and the cause is remanded to the trial court for further proceedings consistent with this opinion. Wilson is awarded her costs on appeal.

Boland, J.

We concur: Cooper, P.J.

Rubin, J.

B158791 Zarate, et al. (Not for Publication)

V.

Leitner, M.D.

The judgment is affirmed. Leitner is awarded costs on appeal.

Boland, J.

We concur: Cooper, P.J.

Rubin, J.

B166067 Joseph, as Executive Director, etc.

V.

Bearman, M.D.

Filed order denying petition for a writ of supersedeas. The appeal (notice of appeal filed March 21, 2003) is dismissed.